

United States District Court

District of Massachusetts

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2006 SEP 21 P 2:18

Civil Action No. 05-10571-RWZ

DISTRICT COURT
DISTRICT OF MASS

Joseph P. Schmitt, pro se

v.

Thomas Carter, et al.

MOTION FOR EXTENSION OF TIME TO RESPOND

Plaintiff hereby moves for an extension of time to respond to defendants motion to dismiss (#29), up to and including November 9, 2006.

As grounds therefore plaintiff states that he has several cases before the 1st Circuit Court of Appeals in which plaintiff must file his opening brief; Plaintiff also has many civil actions in this court requiring his attention; Plaintiff also has civil actions in Plymouth Superior court which require immediate actions; Plaintiff has an appeal to file in his Plymouth case; And most importantly Plaintiff has just received the official transcripts regarding his MGL c. 123A trial and must take appeal action without delay.

Plaintiff further states that on July 20, 2006 the

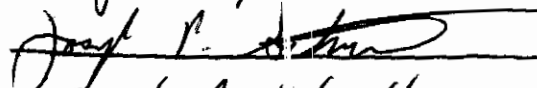
Defendants counsel moved this court to enlarge time to file a responsive pleading up to and including September 8, 2006, some 50 days.

With the one exception that plaintiff has no elective vacation as a reason to move this court for an extension of time to respond, his motion is equal to, if not greater in merit, than Defendants court approved "motion to enlarge time" dated July 20, 2006. Docket No. 21.

Wherefore, for all the above reasons plaintiff moves this court to allow his above motion so he may prepare an informed responsive pleading in compliance with the civil rules.

Dated: 9/20/06

Respectfully Submitted


Joseph P. Schmitt, pro se

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Certificate of Service

The undersigned swears under pains and penalties of perjury that on Sept 20, 2006 a true copy of this motion was mailed to counsel for defendants by First Class US mail via indigent legal mail provided in 103-CMR-481 Inmate Mail.

